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Atty Docket: FOWLKES=4B

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Dana M. FOWLKES et al.

Serial No.: 09/050,539

Filed: March 31, 1998

For: USE OF COMPLEMENTARY COMBINATORIAL LIBRARIES...

) Application Division  
) **ATTN: Box Missing Parts**  
) Washington, D.C.  
) July 14, 1998

#3

## LATE SUBMISSION OF FILING FEE AND/OR DECLARATION

HON. COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Sir:

The present communication is in response to the "NOTICE TO FILE MISSING PARTS OF APPLICATION..." dated  
April 14, 1998.

[XX] Attached hereto are four executed oaths or declarations in compliance with 37 C.F.R. 1.63, identifying the present application by title, filing date and priority information.

[XX] A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

[XX] Preliminary Amendment and Statements in Support of Filing and Submissions in Accordance with 37 C.F.R. §1.821-1.825.

[XX] Sequence Listing (hardcopy), and computer-readable form of Sequence Listing.

The following fee is calculated below:

(Col. 1)		(Col. 2)	SMALL ENTITY		OR	OTHER THAN A SMALL ENTITY	
FOR:	NO. FILED	NO. EXTRA	RATE	FEE		RATE	FEE
BASIC FEE				\$ 395	OR		\$ 790
TOTAL CLAIMS	24 - 20 =	4	x 11 =	\$ 44	OR	x 22 =	\$
INDEP. CLAIMS	3 - 3 =		x 41 =	\$	OR	x 82 =	\$
[ ] MULTIPLE DEPENDENT CLAIM PRESENTED			+135 =	\$	OR	+ 270 =	\$
			TOTAL	\$ 439.00		TOTAL	\$

If the difference in Col. 1 is less than zero,

[XX] Late filing of Declaration surcharge in the amount of: Small Entity [XX] \$65.00 Other than Small Entity [ ] \$130.00

[XX] It is hereby petitioned for an extension of time in accordance with 37 C.F.R. 1.136(a).

The appropriate fee required by 37 C.F.R. 1.17 is calculated as shown below:

Small Entity  
Response Filed Within  
[XX] First - \$ 55.00  
[ ] Second - \$ 200.00  
Month After Time Period SetOther Than Small Entity  
Response Filed Within  
[ ] First - \$ 110.00  
[ ] Second - \$ 400.00  
Month After Time Period Set

[XX] Conditional Petition for Extension of Time:

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[XX] Check No. 19387 in the amount of \$ 559.00 is enclosed to cover the above fees.[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.18.BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)By: Iver P. Cooper  
Registration No. 28,005

(202) 628-5197

IPC:bcs

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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER: 09AUS0359 FILING RECEIPT DATE: 03/31/98 FIRST NAMED APPLICANT: FOWLKES ATTORNEY DOCKET NO./TITLE: D FOWLKES-4B

BROWDY AND NEIMARK  
419 SEVENTH STREET N.W.  
WASHINGTON, DC 20004

NOT ASSIGNED

1643

DATE MAILED:

04/14/98

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filing Date Granted**

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136. If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of \$65.00 for a small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a small entity (statement filed) or non-small entity is \$ 1674.00

1. The statutory basic filing fee is:

- ☒ missing  
☐ insufficient.

Applicant must submit \$ 270.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

2. Additional claim fees of \$ 754.00 including any multiple dependent claim fees, are required

\$ for independent claims over 3.

07/27/1998 \$ 222 dependent claims over 20.

\$ 270.00 for multiple dependent claim surcharge.

Applicant must either submit additional claim fees or cancel additional claims for which fees are due.

3. The oath or declaration: 99.00 OP

- ☒ is missing or unexecuted.  
☐ does not cover the newly submitted items.  
☐ does not identify the application to which it applies.  
☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

5. The signature of the following joint inventor(s) is missing from the oath or declaration.

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

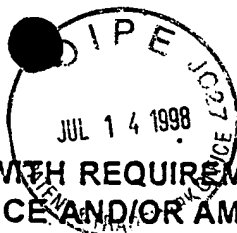
- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).  
☐ 7. Your filing receipt was mailed in error because your check was returned without payment.  
☒ 8. The application does not comply with the Sequence Rules.  
See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."  
☐ 9. OTHER

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice **MUST** be returned with the reply.

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

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Application No.: \_\_\_\_\_

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: \_\_\_\_\_

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216  
For CRF Submission Help, call (703) 308-4212  
For PatentIn software help, call (703) 308-6856

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE**

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